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## KELLOGG WILL CASE MAY GO UP.

JUDGE STEWART HAS FILED NOTICE OF HIS INTENTION TO APPEAL THE MATTER TO A HIGHER COURT.

"They got me foul in the first round with their mud guns but I'm going to appeal the case," said Judge Stewart to the Daily News today.

Judge Isaac A. Stewart, who, by the decision of Judge McCrory, at DeLand Tuesday evening was not allowed to qualify as one of the executors of the will of the late Ann Grace Kellogg, who recently died in Daytona, has filed notice of his intention to appeal the case to the Circuit Court. In case he does carry the case up the bond which he will be required to give will be one of the largest ever furnished in a judicial proceeding in Volusia county.

Yesterday attorneys for Mrs. Scoville filed suit to compel Judge Stewart to reconvey to Mrs. Scoville a house and lot in New York valued at \$35,000, which she conveyed to Stewart in trust some time ago. After the institution of the suit yesterday afternoon the property was reconveyed and the suit dismissed.

This case is the outcome of a number of events in which the public has been interested for nearly a year. Last spring James E. Scoville was arrested on a charge preferred by her that he attempted to appropriate the property of Miss Kellogg, who at that time was ill and helpless. This occurred in Daytona. Mrs. Scoville was nurse to Mrs. Kellogg. They immediately came to DeLand, pending proceedings in court. Scoville's defense was that he suspected his wife of having similar intentions and that he was merely keeping her from temptation. His case is still pending, having been continued. In the meantime Miss Kellogg died, sometime last month, and she left a will naming Mrs. Scoville as beneficiary. The property amounts to something like \$60,000 or \$70,000.

## FOOD PRICES SHOULD BE LOWER INSTEAD OF HIGHER.

SO SAY STATISTICIANS WHILE PUZZLING OVER IMPORT AND EXPORT FIGURES.

WASHINGTON, Jan. 28—The Department of Commerce and Labor today issued a bulletin showing that the United States imported \$30,000,000 worth more of foodstuffs last year than the year before, and exported \$53,000,000 worth less. Statisticians are puzzling over the figures trying to discover why food prices are not lower instead of higher, under these conditions.

## MANHATTAN OPERA COMPANY COMING.

The Manhattan Opera Company is coming to Daytona. Managers of the opera house this morning closed a contract whereby the Manhattans will appear here on Tuesday night, Feb. 8th. The calibre of this company is thoroughly known and the engagement will unquestionably prove to be the event of the tourist season.

Walter S. Duggan, representative for the Manhattans was in Daytona today. He believed a short opera season during the height of the tourist season will be a big event. "Fra Diavolo" will be the opening opera sung by the Manhattans.

"For Rent," "Furnished Rooms," "For Hire" and "Table Board" placards at the Daily News office. tf

**"Bulldog"**  
Brass Polish is the non-inflammable no-acid kind that has the elbow grease inside the can. We carry all sizes.

**Gruber-Morris Hardware Company**

"If you don't trade with us we both lose money."

## WAITER COHEN MAY GO FREE OF ABDUCTION.

CHARGE BROUGHT BY ROBERTA DE JANON'S GRANDFATHER, THE MILIONAIRE SEEDSMAN.

PHILADELPHIA, Jan. 28—The case of Ferdinand Cohen, the waiter who was the companion of Miss Roberta B. De Janon, the young heiress, in her sensational flight from Philadelphia and her subsequent tour of the country, was called in court today for a preliminary hearing. A charge of abduction has been made against Cohen, but the impression is gaining ground that the case will ultimately be dismissed and the waiter allowed to go free. As Miss De Janon still adheres to her story that she alone was responsible for the affair, it is believed that it will be difficult to secure conviction on a charge of abduction, which is the only charge that can be made against Cohen. Moreover, it is said to be the desire of Robert Buist, the millionaire seed merchant and grandfather of Miss De Janon, to avoid the notoriety that a trial would produce. Miss De Janon will be sent to a private school and arrangements made for Cohen and his family to make their future residence elsewhere than in Philadelphia.

## HUNDREDS HOMELESS IN ITALY.

RIVER TIBER STILL RISING—SCORES OF DEATHS REPORTED AROUND ROME.

ROME, Jan. 28—The surrounding country is flooded and much damage has been done. Hundreds have been made homeless by the floods.

The River Tiber is still rising rapidly but has as yet done little damage to the city.

Scores of deaths besides those on the coast have been reported.

## ARGENTINE REPUBLIC MAY BUILD DREADNAUGHTS

BUNOS AYRES, Argentina, Jan. 28—Argentina is to become a real naval power among the nations of the world if the plans of the Naval Commission in session today, are carried out. Two new Dreadnaughts of 28,000 tons each carrying a dozen 12-inch guns, will probably be finally authorized. It is likely that the contract for their construction will go to the shipyards at Quincy, Mass.

The Western Union wires were down today from noon until about 2:30, and the usual excellent telegraph service furnished by the United Press Association to the Daily News, is much abbreviated today.

## JACKSONVILLE GIRLS OUT FOR A TIME.

LOCAL CASE OF "COHEN AND DEJANON" NIPPED IN THE BUD—YOUNG LADIES SENT BACK HOME FROM ORMOND.

Perhaps not dreaming what such indiscretion means, two young ladies of prominent family residing in Jacksonville, started out Tuesday, accompanied by two young sports, in an automobile for a "time." They landed at Ormond, where they were intercepted and the girls sent back home yesterday, very repentant after their thrilling escapade. One girl is 14 and the other 18.

The quartette stopped at the Bretton Inn, but out of respect to the families of the girls no effort is being made to give their names publicly. The escapade was romantic, but brief, but nevertheless furnished an interesting subject for comment among the guests at the Inn and the Hotel Ormond.

## OLDEST NEWSPAPER WEST OF ALLEGHANEY MOUNTAINS.

PITTSBURG, Jan. 28—Today is the 171st anniversary of the establishment of the Pittsburg Gazette, the first newspaper published west of the Alleghany mountains.

## HAT RAISING A SACRILEGE SAYS AGED MINISTER

KANSAS CITY, Mo., Jan. 28 — To raise one's hat to a woman is blasphemous sacrilege, according to aged Rev. Mr. Watson Dana, who declares that in his seventy-three years of life he has never been guilty of such an act of politeness. Dana alleges that the Bible teaches to uncover only on entering the temple of God, and that this courtesy should be sacred to the Most High. Dana claims to be a cousin of the late Chas. A. Dana, editor of the New York Sun, and a relative of Archbold, the Standard Oil Magnate.

## MUSKOGEE DECORATES FOR SHRINERS' MEET.

MUSKOGEE, Okla., Jan. 28—Muskogee blossomed forth in many colors today in honor of the visiting Shriners, who are here in force from all parts of the state for a convocation of two days. All of the principal streets are decorated and the delegates will be handsomely entertained while in the city.

## MIDDIES TO MEET YALE TOMORROW.

ANNAPOLIS, Md., Jan. 28 — Yale gymnastic and wrestling teams will be here tomorrow to meet the Middies, who will open their season against the Elis. Other Naval Academy dates are, February 12, City College of New York; February 19, Columbia; March 5, Princeton and March 19, Pennsylvania.

## 400 DROWNED IN ENGLISH CHANNEL.

BRITISH TORPEDO BOAT DESTROYER WRECKED—FORTY MARINES RESCUED IN BREECHES BUOY.

LONDON, Jan. 28—Forty marines were rescued by breeches buoy from the wrecked British torpedo boat destroyer at Eden, near Dover, today. The English Channel is being whipped by the fiercest storm in years. Partial reports show fully 400 drowned in various wrecks.

## ANNUAL RECEPTION OF THE PALMETTO CLUB.

ONE OF THE MOST CHARMING SOCIAL FUNCTIONS OF THE SEASON HELD THURSDAY EVENING.

The annual reception of the Palmetto Club, held at the clubhouse on Orange avenue Thursday evening from 8:00 to 10:00 was a delightful affair to the large membership and their numerous friends.

The fact that club work among women engenders a warm fellowship feeling, made this function more like a big, happy family reunion rather than the formal hand-shake and pass-down-the-line idea generally held of receptions.

It was guest right and each member invited her best friend, or nearly as may be. This brought a contingent of gentlemen, but of course the occasion was largely given over to the ladies, and the gentlemen present had only to "look pleasant" and be entertained.

Tucker's orchestra furnished the music for the evening, and the fine program rendered added much to the brightness and joyousness of the occasion.

The social committee was in charge, and everything went off most creditably to their excellent management.

Those receiving were, Mrs. H. Y. Stillman, Mrs. M. Huston, Mrs. J. B. Downing and Mrs. Wm. Atwood. Daily refreshments of ice cream and a variety of cakes were served in the dining room by a bevy of beautiful young maidens, future Palmetto Club members.

## PERIODICAL PUBLISHERS TO ATTACK TAFT'S PLAN

NEW YORK, Jan. 28 — President Taft's recommendation for an increase in the postage rates on magazines will be attacked at tonight's annual banquet of the periodical publishers' Association. Officials of the club include Cyrus Curtis, Philadelphia, publisher of the Ladies' Home Journal and the Saturday Evening Post; John A. Schleicher, of Leslie's Weekly and Judge, and S. S. McClure, of McClure's Magazine.

The magazine publishers deny responsibility for the postal deficit, alleging that it is to be laid at the door of the railroads, which charge exorbitant rates for carrying the mails, and to franking of government and congressional postal matter, which is carried free and of which no record is kept.

## TO CELEBRATE BIRTH- DAY OF MCKINLEY.

PORTLAND, Ore., Jan. 28—Governor Benson, ex-Senator Fulton and Mayor Simon are among the men of prominence who have accepted invitations to respond to toasts tomorrow night at the big banquet to be given by Portland Republican Club in celebration of the birthday anniversary of William McKinley.

## LORENZ IS ACCUSED OF MANY CRIMES.

IF GUILTY OF HALF THE CRIMES OF WHICH HE IS CHARGED IS MOST DIABOLICAL FIEND.

PROVIDENCE, R. I., Jan. 28 — If Ernest Wilhelm Lorenz, a young German baker who was given a preliminary hearing in court today, on the charge of having murdered Gilbert Mann three weeks ago, is guilty of half the crimes to which he confesses and others of which he is strongly suspected, he is certainly the most diabolical fiend with which the police of this city have ever had to deal.

The murder of Gilbert Mann, which occurred in the town of Johnson on January 8th, is the first crime for which Lorenz is to be tried. Mann, who was an old soldier, was waylaid and mortally shot and a companion who was with him at the time was seriously wounded. Robbery was the evident purpose of the assailant. The companion of Mann, has identified Lorenz as the murderer and the charge against the young German was strengthened when a watch positively identified as having belonged to the murdered man was found among Lorenz's effects when his room was searched after his arrest.

Lorenz denies the murder but freely confesses to having either assaulted or robbed nearly a score of women, most of the occasions having been in towns near Providence during the past fall and winter. He had a note book in which he made a memorandum of each assault, filling in the name after he learned the identity of his victim through the newspapers. Upon his own admissions and as far as any inquiry can substantiate his statements, Lorenz was a lone operator. Though he admits he robbed indiscriminately men and women by holding them up with a gun on unfrequented thoroughfares, he frankly admits that women were his quest. He only attacked men, he says, when there were no women about. Leaving his lodgings early in the morning or in the evening he roamed the streets seeking unprotected women with felonious design. His diary which he faithfully kept is a record of success by violence in his pursuit.

The most fiendish crime which the police are inclined to lay to the door of the young German baker, but which they have so far failed to fasten on him conclusively, was the murder of Miss Laura Regester, who was found murdered in the Jewish cemetery in the western suburbs of the city early on the morning of May 11th last. The discovery of the crime was made by a passer-by, who found the dead and mutilated body of the young woman in a clump of bushes. Broken bushes and deep marks of footprints told that the young woman had fought hard for her honor. Big cuts on her head and welts on the face disclosed that she had been finally overpowered by the use of a bludgeon. The motive of the attack was criminal assault. One of the pathetic features of the case was that Miss Regester was to have been married within a fortnight, and when she met her death she was on her way to the dressmaker to see about her wedding gown.

## CHURCH, Druggist...

Phone 37  
**Harris Lithia Water**  
Nature's Remedy.

We are agents for this celebrated water, which has no equal for the cure of Gout, Rheumatism, Dyspepsia, Catarrh of the Stomach, Bright's Disease and other diseases attendant upon uric acid conditions. Recommended by physicians.

Phone orders will be given careful attention.

## TRAIN COLLIDES WITH LIMITED.

CRASH AT ROCK-  
THURSDAY AFTERNOON  
PASSENGERS NOT SERIOUSLY INJURED.

From the south on the F. R. train delayed several hours yesterday afternoon by a wreck at Rock, which was posted at 1:11. The train was delayed by the Miami Limited, which was held up at 4:03 was one hour and ten minutes late.

When the time of arrival of the Miami express or passenger, she was posted at 4:03 was one hour and ten minutes late. The Miami Limited, which was held up at 4:03 was one hour and ten minutes late.

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